

## UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

United States of America )

v. )

CLARENCE SMILEY )

Date of Previous Judgment: 03/04/1998  
(Use Date of Last Amended Judgment if Applicable)Case No: 2:93CR00310-009USM No: 09247-002

N/A

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 32

Amended Offense Level: \_\_\_\_\_

Criminal History Category: II

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: 240 to 240 months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

Defendant is not eligible for reduction. He was sentenced to the statutory mandatory minimum sentence.

**III. ADDITIONAL COMMENTS**

The Court has considered the factors set forth in 18 U.S.C. 3553(a) in making its reduction determination pursuant to 18 U.S.C. § 3582(c)(2)/Amendment 706.

Except as provided above, all provisions of the judgment dated 03/04/1998 shall remain in effect.

**IT IS SO ORDERED.**Order Date: 4/22/2010*Truman Hobbs*

Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)TRUMAN HOBBS, SENIOR U.S. DISTRICT JUDGE  
Printed name and title

SCANNED